REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner is thanked for a reminder that the International Search Report listing of references (on a separate sheet of paper) already of record herein is not considered by the USPTO to constitute a "list...submitted on a separate paper". However, the Examiner's attention is drawn to the formal IDS filed March 14, 2007 which does include a Form PTO/SB/08a constituting a "list....submitted on a separate paper" that is traditionally recognized as adequate by the USPTO. Although all of these references have long been of record in this PCT U.S. national phase proceeding, an IDS fee has nevertheless already been paid with the IDS submitted March 14, 2007. Accordingly, official consideration and citation of each such reference is requested as is return of a fully initialled, signed and dated copy of the Form PTO/SB/08a.

A new more descriptive title has been effected by the above amendment.

The abstract has been reduced in length as requested.

The formality-based objections made to claims 51, 52, 64, 78, 79, 86 and 93 have been obviated by the above amendments.

The parallel rejections of claims 67, 77 and 97-100 under 35 U.S.C. §112, second paragraph due to use of the word "servable" is respectfully traversed.

It is respectfully submitted that those having ordinary skill in the relevant art are well acquainted with use of the word "servable" in the context used in the claims. Those skilled in the art regularly use this term to describe something that is capable of being served (e.g. data capable of being served by a server at a web network site). Attached hereto for the Examiner's convenience is a definition of "servable" recently obtained from the Free On Line Dictionary.

In addition, so as to ensure no possible ambiguity or indefiniteness, this well understood definition has now been explicitly added to the specification the first time the word "servable" finds usage (e.g., page 1, line 21).

The rejection of claims 49-93 and 97-100 under 35 U.S.C. §101 because the claimed invention is allegedly directed to "non-statutory" subject matter is respectfully traversed.

The claims have been amended above so as to make it clear that they are directed not to merely "descriptive material" but to real world processes and things. It will be noted, for example, that claims 49-78 not only claim a process performed in a computer system where digital electrical signals are physically present and manipulated, but also requires now storing or outputting data generated in the claimed process. Accordingly, there should be no remaining question but that these claims provide a tangible, physical result and thus fall well within the ambit of 35 U.S.C. §101 in defining statutory subject matter.

Independent claims 79 and 89 have been similarly amended.

Claims 91-93 have been amended so as to make it clear that the therein claimed system is one having programmed computer components. As those skilled in the art are readily aware, "software" does not exist in a metaphysical or non-physical environment. As is typically the case, computer system components often include a combination of hardware and "software". However, the "software" involved does not reside in a person's mind nor does it typically find its home as printed symbols on a piece of paper. In fact, the term "software" itself is known to those skilled in the art as something tangible and concrete.

Similar amendments and comments apply to claims 97-100.

Accordingly, all formal grounds of objection/rejection are now believed to have been overcome in the applicant's favor.

The rejection of claims 49-50, 52-58, 68-69, 71-72, 75, 77-78, 91, 94, 97 and 99-100 under 35 U.S.C. §102 as allegedly anticipated by Jones '098 is respectfully traversed. Similarly, the parallel rejection of claims 79-86, 92 and 95 under 35 U.S.C. §102 as allegedly anticipated by Jones is also respectfully traversed. Still further, the parallel rejection of claims 89, 90, 93 and 96 under 35 U.S.C. §102 as allegedly anticipated by Jones is also respectfully traversed.

For reasons that will be explained in more detail below, it is believed that none of these claims, even in the original form, is anticipated by Jones. However, after the above amendment, it is even more clearly apparent that applicant's claimed invention cannot possibly be anticipated by Jones.

Jones describes a system that generates a navigable, dynamically-generated table of contents or TOC, but only for static content of a website. As shown in Figures 1A to 1E, the system dynamically generates HTML representing the nodes at various levels of a pre-defined hierarchy that is used to categorize content of a website. However, there does not appear to be any disclosure of dynamically generated content, and no disclosure of searching for servable content.

Indeed, as described at column 5, lines 59-62, the TOC's hierarchical categorization of the website content is manually defined by a user creating a "structure definition file 190" that defines the nodes and the hierarchical structure of the TOC. As described at column 9, line 17 through column 10, line 3, the structure definition file 190 defines the nodes available in the hierarchy, and the system generates URLs representing each node based on a token associated with that node in the structure definition file 190. When a leaf node in the hierarchy is selected, the system simply forms an HTTP request based on the corresponding URL hardwired in the structure definition file to retrieve the corresponding content of the web site.

The Examiner apparently considers that the "dynamically generated content" corresponds to the Jones TOC. However, the Examiner's comments indicate a possible confusion between a TOC being generated and the TOC itself. The scripts, data files, databases, etc., that Jones refers to are actually part of the Jones system itself, whereas in applicant's claimed system the scripts, data files and databases are part of the network site being analyzed and thus external to the claimed system. The difference is important and non-trivial.

In the case of Jones, "valid parameters" for dynamically generated TOC pages are not identified by the Jones system itself--they are configured for the Jones system by the person who configures it on a particular system. They are engineered--by humans.

Applicant's invention, on the other hand, identifies valid parameters for scripts that are not part of the claimed system itself, and this is done with a high degree of automation. In other words, the "valid parameters" are not engineered, but automatically reverse engineered.

This is a massive difference--the former case is essentially how a script is written and is obvious to anyone with ordinary skill in the art of writing scripts, whereas the latter is not obvious.

The Examiner asserts:

> "Claim 68 states the use of scripts to determine request data for retrieving dynamically generated data. Jones et al. teaches making use of a script to dynamically generate web page [column 6, lines 10-12 of the specifications], and running the scripts upon request [column 5, lines 43-46 of the specifications]."

However, claim 68 does not claim "the use of scripts", but the "processing of scripts" (now "analyzing" of scripts). "Use" implies the compiling and running of the script as-is, which is the reference intended by Jones (and indeed in any web page generated by a script). However, what applicant meant by "processing" (in the original claims) is not simply running the script,

but analyzing the script source or binary, possibly in combination with other configuration files, databases, as the case may be, to determine which parameters it will accept (i.e., reverse-engineering the set of valid parameters for the script).

The independent claims have now been amended to more clearly distinguish from Jones. For example, terms such as "dynamically generated content" are more clearly defined to exclude the arrangement in Jones.

Furthermore, Jones does not guarantee coverage of all site content (e.g., see applicant's claim 51)--coverage is largely in the hands of the person configuring the Jones system. By contrast, applicant's system automatically ensures coverage of all discovered content of the site.

It may be true that there exist some modern indexing agents that are capable of indexing links as they are encoded by Jones' invention. However, Jones fails to generate links that could be followed by unsophisticated indexing agents. New claims 101-105 now require the ability to interact with arbitrary indexing agents. Jones system is clearly not capable of generating such generically spider-friendly links.

It may also be useful to note that it is not essential for applicant's TOC to be hierarchical in order to work properly.

The various rejections of claims 51, 62, 67, 70, 73, 74, 76, 87, 88 and 98 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jones in view of Steele '737 are all also respectfully traversed.

Fundamental deficiencies of Jones have already been noted above with respect to parent claims. Steele does not supply those deficiencies.

Furthermore, both Jones and Steele lack, *inter alia*, the step of generating links suitable for an arbitrary unsophisticated indexing agent (i.e. any ordinary indexing agent instead of one

that is customized for extraordinary capability). See applicant's new claims 101-105. Jones also lacks any automated means for generating a fully-connected TOC for a given site, and without this automation, there is no guarantee that it will create links for all of the content, even if all of the content could be found by use of the Jones teaching.

Attention is also directed to new claims 106-110 which further require the dynamically generated content to not be linked to by other content of the network site.

The rejections of claims 59, 60 and 61 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jones in further view of Cochrane '934 are all also respectfully traversed.

Fundamental deficiencies of Jones have already been noted above with respect to parent claim 49. Cochrane does not supply those deficiencies. Accordingly, it is not believed necessary at this time to explain the further deficiencies of Cochrane and/or the allegedly "obvious" combination of these references with respect to other features of the rejected claims.

The rejection of claims 63 and 64 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jones in view of Conner '152 is likewise traversed--for reasons similar to those already noted above. Suffice it to say that Conner does not supply the already noted deficiencies of Jones.

The rejection of claim 65 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jones in view of Salerno WO '463 is also respectfully traversed.

Once again, fundamental deficiencies of Jones have already been noted above with respect to a parent claim. Salerno does not supply those deficiencies. Accordingly, it is not believed necessary at this time to detail the additional deficiencies of these references (or the allegedly "obvious" combination thereof) with respect to other features of this rejected claim.

The rejection of claim 66 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jones in view of McCormack '680 is also respectfully traversed.

Yet again, fundamental deficiencies of Jones have already been noted above with respect to parent claim 49. McCormack does not supply those deficiencies. Accordingly, it is not believed necessary at this time to detail the additional deficiencies of these references (whether considered singly or in combination) with respect to additional features of this rejected claim.

The Examiner's proliferation of allegedly "obvious" selective combinations of bits and pieces of several disparate references with Jones is itself a vivid demonstration of lack of obviousness under 35 U.S.C. §103. In particular, determinations of "obviousness" under 35 U.S.C. §103 must be made without hindsight.

The Examiner has not even attempted to articulate any rational reason (e.g., motivation, teaching or suggestion) why those having only ordinary skill in the prior art would have found it "obvious" to find and then selectively choose odd bits and pieces from numerous disparate references to combine with the Jones teaching. Why would those same ordinarily skilled individuals not adopt yet further features from the secondary references. For that matter why not simply combine all of the prior art teachings with respect to the field of "data processing" into one conglomerate teaching and allege that all combinations and permutations of every possible feature found in the prior art are "obvious"? When viewed with hindsight, everything developed in the future becomes merely an "obvious" use of some permutation or combination of prior art teachings--especially when selectively culled through using the inventor's claims as a template for trying to find bits and pieces scattered here and there within the prior art.

Every inventor necessarily builds upon prior knowledge. However, not all combinations and permutations of bits and pieces from the prior art are "obvious" to people having ordinary

skill in the art. As a simple analogy, there are only 88 keys on a piano. Although it is a very large number, there is only a finite number of combinations and permutations of those 88 keys. Over the last several hundred years, composers have continued to find novel and non-obvious combinations and permutations of those 88 keys. I am confident that they will continue to do so into the future.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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Servable

0.03 sec.

Serv´a`ble

a. **1.** Capable of being served.
2. Capable of being preserved.

Mentioned in

No references found

Dictionary/thesaurus browser

- serum albumin
- serum disease
- serum globulin
- serum hepatitis
- Serum of milk
- serum sickness
- Serum-therapy
- **Servable**
- Servage
- serval
- Servaline
- servant
- servant girl
- Servant of servants
- servant's entrance

Full browser

- Serum Total Protein
- Serum, Cells and Rare Fluids (blood banking rare blood type exchange)
- serum-fast
- Serum-separating tube
- Serum-therapy
- serumal
- serums
- serums
- serums
- serums
- serums
- Serupepeli Naqase
- Sérusier
- Sérusier, Paul
- Serusophone
- Serusophone
- Serusophone
- Serutan
- Seruvalsar and Manimahesh Lake
- Seruvalsar Lake
- SERV
- Serv-U FTP Server
- Serva Padrona
- serva padrona, La
- **Servable**
- Servaea
- Servage
- Servage
- Servair
- Servais Stradivarius
- Servais, (Adrien) François
- serval
- serval
- serval
- Servalan
- Servaline
- Servaline Genet
- servals
- servals
- servals
- servals
- Servamox
- Servamox
- Servan Keondjian
- Servan-Schreiber, Jean Jacques
- Servando Canales International Airport
- Servando Jose Pesarillo
- Servando Teresa de Mier